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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,417	01/20/2000	Magda Mourad	SE9-99-020	3136

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EXAMINER

REAGAN, JAMES A

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/487,417	Applicant(s) MOURAD ET AL.	
	Examiner James A. Reagan	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-18 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-11, 13-18 and 21-23 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) 12 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in to the reply to the amendment and RCE response received on 05 October 2005.
2. Claims 7-14, 16-18, and 21-24 have been amended.
3. Claims 7-18 and 21-24 have been examined.

Allowable Subject Matter

Claim Objections

4. Claims 12 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

RESPONSE TO ARGUMENTS

5. Applicant's remaining arguments with respect to claims 7-18 and 21-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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7. Claims 7 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant's newly-added limitation regarding the emulator is not found to be adequately described in the specification. Applicant is respectfully requested to provide the Examiner with passages related to the use and intent of the emulator.

EXAMINER'S NOTE: At this time the Examiner will refrain from amending the current rejections of the claims under 35 U.S.C. 103(a) until the rejection under 35 U.S.C. 112, first paragraph has been addressed. Concurrently, the outstanding rejections remain. In addition, pending a reply from the Applicant, responses to the Applicant's arguments concerning the emulator will be suspended until the Applicant either provides discloses the required passage(s) within the specification or removes the newly-added limitations. This rejection is NON-FINAL.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7, 13, 15, 16, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon (US 6,337,911 B1) in view of Schneier "Applied Cryptography" (1996), and further in view of Graunke et al. (US 5,991,399 A).

Examiner's note: Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the *entire* reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claims 7, 13, 15, 16, and 21-23:

Dillon '911 discloses using a symmetrical encryption scheme, such as DES I.e., public and private key infrastructure (PKI) in column 5, lines 23-37. Dillon '911 also discloses an electronic document distribution system such that Applicants' step of encrypting the data reads on the document of Dillon '911 in column 6, lines 57-58, Applicants' first decrypting key reads on the key seed and Applicants' second encrypting key reads on the Dillon '911 teaching of encrypting the announcement message in column 6, lines 44-48 and lines 57-58. Applicants' promotional metadata reads on the catalog. Dillon '911 also discloses multiple broadcast mediums (column 3, lines 32-45). Dillon '911 does not specifically disclose a double-encryption technique where a first encryption key is encrypted using a second encryption key. However, Schneier discloses Key-Encryption Keys (pages 176-177). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Dillon with Schneier because the enhanced key management system for a digital content player decreases the likelihood that digital works can be copied without the consent of the owner.

The combination of Dillon/Schneier does not specifically disclose a tamper-resistant environment. Graunke, however, in the abstract and other related text, discloses a tamper resistant environment, trusted media player, encryption, and key management. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine

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Dillon/Schneier with Graunke because this ensures that "only a specific trusted player can use the private key to access specific encrypted digital content" (Graunke: column 1, lines 5-10).

With regard to the newly-added limitations, Schneier on pages 34-36 shows a trusted third party (arbitrator) acting as an intermediary by decrypting and re-encrypting a message by means of the user's key.

10. Claims 8-12, 14, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon/Schneier/Graunke and further in view of Dillon (US 6,351,467 B1).

Claim 8:

Dillon '467 teaches utilizing a web browser (column 1, lines 18-25).

Claims 9-11:

See Dillon '467, column 18, lines 51 – 60.

Claims 12 and 24:

The combination of Dillon/Schneier/Graunke discloses the limitations as shown above. Dillon/Schneier do not specifically disclose utilizing DirecPc™ broadcasting format. Dillon '467, however, in at least Figure 12 discloses DirecPc™. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Dillon/Schneier/Graunke with Dillon '467 because utilizing private satellite networks as a transmission medium increase customer base, increasing profitability.

Claim 14:

See Dillon '467, column 18, lines 15 – 30.

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11. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon/Schneier/Graunke and further in view of Horstmann (US 6,009,401).

Claims 17 and 18:

The combination of Dillon/Schneier/Graunke discloses the limitations as shown above. Dillon/Schneier/Graunke do not specifically disclose a clearinghouse. Horstmann, however, in column 1, lines 38-52 teaches an electronic software distribution system such that Horstmann teaches that a clearinghouse in addition to a publisher (Broadcast center) may be used, or that it could be a publisher (Broadcast center) that also acts as a clearinghouse - as is taught by the Dillon references. Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize such an arrangement as disclosed by Horstmann rather than have the broadcast center of the Dillon references perform the billing functions.

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 [Official communications, After Final communications labeled "Box AF"]

571-273-8300 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

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JAMES A. REAGAN

Primary Examiner

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22 November 2005

A handwritten signature in black ink, appearing to read 'J. A. Reagan', with a long horizontal line extending to the right.